

ORDINANCE NUMBER 17-04

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING SECTION 18-4-2 AND SECTION 18-10(6) OF THE MARICOPA CITY CODE REGARDING PETS WITHIN CITY PARKS AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, on September 5, 2006, the Mayor and City Council approved Ordinance 6-14 to add Chapter 18 “Park Rules and Regulations of the City of Maricopa” to the City Code; and

WHEREAS, on December 3, 2013, the Mayor and City Council approved Ordinance 13-16 to amend the Short Form Rules contained in Chapter 18 of the City Code; and

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Section 18-4-2 and Section 18-10(6) of the Maricopa City Code regarding the rules and regulations related to pets within City Parks would be in the best interest of the City of Maricopa.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Maricopa, Arizona as follows:

SECTION 1. That Section 18-4-2 of the Maricopa City Code be deleted in its entirety and replaced with the following:

Sec. 18-4-2 Pets

- (A) Except in specifically prohibited areas, domesticated pets shall be permitted within City Parks. Owners and/or handlers are solely responsible for their domesticated pets and for any and all damage caused by such pet.
- (B) Unless in a designated off-leash Area, all domesticated pets shall be in direct control of their handler at all times. As used herein, direct control shall mean caged or kept on a leash, cord, chain, or other means of similar strength to restrain the animal of not more than six (6) feet in length. Pets under assumed voice control or pets tethered or tied to a tree, plant, building or equipment do not qualify as being under direct control and will be found to be in violation of this Section.
- (C) No domesticated pets, except service animals, shall be allowed to restrict the pedestrian flow on narrow sidewalks or passageways.
- (D) At all times, any domesticated pet within a City Park shall wear up-to-date tags indicating that the animal’s rabies vaccinations are current.

(E) It shall be unlawful for any person to permit a domesticated pet under his or her direct control to disturb, harass or interfere with any park visitor, park visitor's property or park employee. Handlers are required to immediately remove any domesticated pet exhibiting aggressive behavior toward another pet or any person including the handler from City Property.

(F) It shall be unlawful for any person to allow a domesticated pet within a City Park without possessing an appropriate device for cleaning up pet feces and disposing of it in a sanitary manner.

(G) It shall be unlawful for any person to allow a wild or non-domesticated animal including, but not limited to cattle, mules, swine, sheep, goats, fowl or reptiles, within a City Park without prior written approved from the Community Services Department. In conjunction with event or projects sponsor by the City, certain animals may be allowed in designated areas of City Parks at specified times without restraint.

(H) The presence of a domesticated pet in a dog Park or any other Park Area, facility, or open space shall constitute a waiver of liability, on behalf of the person either owning, controlling, or attempting to control the pet, to the City of Maricopa, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City of Maricopa for any and all liability and/or damages alleged to have been or adjudicated to have been caused by the actions or presence of a domesticated pet including but not limited to property damage or personal injury.

SECTION 2. That Section 18-10(6) of the Maricopa City Code be deleted in its entirety and replaced with the following:

Domesticated pet shall be permitted within City Parks unless otherwise specifically prohibited. Any such pets shall be the sole responsibility of the Owner and/or handler and shall be in direct control of their handler unless in a designated off-leash area.

SECTION 3. A person guilty of violating any provision of the Park Rules and Regulations of the City of Maricopa shall be charged as follows: the first offense shall be a civil petty offense, the second offense shall be a civil petty offense or misdemeanor and the third offense shall be a misdemeanor pursuant to Article 1-8 of the Maricopa City Code as may be amended from time to time. The level of these charges may be amended from time to time. All fines collected under this Chapter shall be deposited into the general fund of the City.

SECTION 4. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 2nd day of May, 2017.

APPROVED:

Christian Price
Mayor

ATTEST:

APPROVED AS TO FORM:

Vanessa Bueras, CMC
City Clerk

Denis Fitzgibbons
City Attorney